

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

United States of America

Petitioners/Plaintiffs

v.

Case No: 7:24-CR-00278

Vincent Cannady

Defendant

Objections to Lack of Discovery

Objection to Lack of Discovery – Case No. 7:24-CR-00278

Dear Judge Briccetti,

I, Vincent Cannady, respectfully submit this objection to the lack of discovery in the above-referenced case. This objection is made pursuant to Federal Rules of Criminal Procedure Rule 16, which mandates the disclosure of certain types of evidence and information.

1. Background

Vincent Cannady has requested discovery of all exculpatory evidence, grand jury testimony, grand jury hearings, prior statements, expert witness information, impeachment material, and any other evidence that may be favorable to the defense. Despite these requests, significant deficiencies remain in the discovery provided by the government.

2. Specific Objections

1. **Failure to Provide Brady Material:** The government has not provided any Brady material as required by *Brady v. Maryland*, 373 U.S. 83 (1963). Brady material includes any evidence that is favorable to the defendant and material to either guilt or punishment. The lack of such evidence prejudices the defendant's ability to prepare an adequate defense.
2. **Lack of Attorney-Only Discovery:** Vincent Cannady objects to the government's failure to provide discovery designated for attorney-only review. This material is critical for effective legal representation and should be disclosed to Vincent Cannady.
3. **Absence of Jencks Material:** The government has not provided Jencks material, including witness statements and reports, which should be disclosed under 18 U.S.C. § 3500. This omission hampers the defense's ability to prepare for cross-examination.
4. **Failure to Provide Giglio Material:** The government has not disclosed Giglio material, including evidence that could impeach government witnesses. As established in *Giglio v. United States*, 405 U.S. 150 (1972), such evidence is essential for assessing the credibility of witnesses.
5. **Neglect of Smith Material:** The government has not provided material covered under *Smith v. Illinois*, 390 U.S. 129 (1968), which addresses the disclosure of evidence that may be pertinent to the defense.
6. **Impact on Speedy Trial Rights:** The delay in providing discovery affects Vincent Cannady's right to a speedy trial, as protected by the Sixth Amendment. The

government's failure to provide timely discovery undermines the defendant's ability to meet the trial timeline.

7. **Accommodation under the Americans with Disabilities Act:** Vincent Cannady, being legally blind, has not received appropriate accommodations as mandated by the Americans with Disabilities Act (ADA). This includes additional time for review of discovery materials, which is necessary for a fair trial.
8. **Failure to Provide CART Analysis:** The government has not provided the CART analysis for all of Vincent Cannady's devices. If such analysis was provided to the public defenders, it has not been shared with Vincent Cannady, which constitutes ineffective assistance of counsel.

3. Legal Standards and Case Law

The Federal Rules of Criminal Procedure and relevant case law underscore the government's obligation to provide discovery:

- In *Brady v. Maryland*, 373 U.S. 83 (1963), the Supreme Court held that the prosecution must disclose evidence favorable to the accused.
- In *Giglio v. United States*, 405 U.S. 150 (1972), the Court established the necessity of disclosing impeachment evidence.
- In *United States v. Agurs*, 427 U.S. 97 (1976), the Court clarified the government's duty to disclose evidence that is material to the defense.

4. Conclusion

Given the deficiencies in the discovery provided and the legal obligations established by case law, I respectfully request that the Court order the government to fully comply with its discovery obligations. Failure to do so may result in a motion to dismiss or other legal remedies, such as a **reversal** of a conviction, a **dismissal** of charges, a **mistrial**, including possible charges of **prosecutorial misconduct**.

Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vincent Cannady", written in a cursive style.

Mr. Vincent Cannady

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